

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. RES. 139

To establish procedures relating to the settlement of complaints filed with the Office of Senate Fair Employment Practices, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JUNE 30), 1993

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution;  
which was considered and agreed to

---

## RESOLUTION

To establish procedures relating to the settlement of complaints filed with the Office of Senate Fair Employment Practices, and for other purposes.

1       *Resolved*, That (a)(1) if, at any time after a Senate  
2 employee (as defined in section 301(c)(1) of the Govern-  
3 ment Employee Rights Act of 1991 (Public Law 102–166)  
4 (hereinafter referred to as the “Act”)) files a formal com-  
5 plaint under section 307(a) of the Act with the Office of  
6 Senate Fair Employment Practices (hereinafter referred  
7 to as the “Office”)—

8               (A) such employee and the head of an employ-  
9       ing office (as defined in section 301(c)(2) of the Act)  
10       resolve the issues involved and enter into a written

1 settlement agreement requiring the payment of  
2 money as provided in subsection (c), and

3 (B) the agreement is approved by the Director  
4 of the Office (hereinafter referred to as the  
5 “Director”),

6 the Director shall submit the agreement, together with a  
7 letter of advice by the Director that the agreement is rea-  
8 sonable and appropriate, to the Chairman and Ranking  
9 Minority Member of the Committee on Rules and Adminis-  
10 tration (hereinafter referred to as the “Chairman and  
11 Ranking Member”) for approval.

12 (2) Any such settlement agreement that includes any  
13 provision regarding Senate payment of a Senate employ-  
14 ee’s attorney’s fees shall be forwarded by the Director to  
15 the Senate Legal Counsel who shall also review that provi-  
16 sion and advise the Chairman and Ranking Member  
17 whether that provision is reasonable and appropriate.

18 (3) If the Chairman and Ranking Member disapprove  
19 the agreement, the agreement shall be returned to the Di-  
20 rector with a written explanation for the disapproval. Fol-  
21 lowing such disapproval, a new or revised agreement that  
22 is approved by the Director may be submitted by the Di-  
23 rector to the Chairman and Ranking Member, and, if ap-  
24 propriate, forwarded to the Senate Legal Counsel, in the  
25 same manner as the original. If the Chairman and Rank-

1 ing Member disapprove such a new or revised agreement,  
2 such agreement shall be returned to the Director with a  
3 written explanation and such instructions as the Chairman  
4 and Ranking Member may deem appropriate.

5 (4) If the Chairman and Ranking Member approve  
6 the agreement, the payment of money under the terms of  
7 such agreement may be authorized as provided in sub-  
8 section (c).

9 (5) The time necessary to complete the procedures  
10 under paragraphs (1)(B), (2), and (3) shall be excluded  
11 in calculating the period within which a hearing shall be  
12 conducted under section 307(d) of the Act.

13 (b) Notwithstanding the third sentence of section  
14 307(h) of the Act, if, upon the conclusion of all proceed-  
15 ings conducted pursuant to sections 307, 308, and 309  
16 of the Act, there is a final order requiring the payment  
17 of money, the Chairman and Ranking Member may ap-  
18 prove and authorize the payment of money as provided  
19 in subsection (c). The Senate Legal Counsel shall provide  
20 such advice and assistance as the Chairman and Ranking  
21 Member may request for the purposes of this subsection.

22 (c) The payment of any monetary amount approved  
23 as part of a settlement agreement approved under sub-  
24 section (a) and any payment pursuant to an order under  
25 subsection (b) shall be paid from the Contingent Fund of

1 the Senate from the appropriations account “Settlements  
2 and Awards Reserve”, established by section 1205 of Pub-  
3 lic Law 103–50, upon vouchers approved by the Chairman  
4 and Ranking Member.

5 (d) The Chairman and Ranking Member, the Senate  
6 Legal Counsel, and the Director may review information  
7 necessary to carry out the provisions of this resolution not-  
8 withstanding the provisions of section 313 of the Act.

9 (e) The provisions of this resolution shall apply to—

10 (1) an allegation of a violation as defined in  
11 section 301(c)(3) of the Act,

12 (2) an allegation of an unlawful employment  
13 practice under section 312 of the Act, and

14 (3) an allegation of a violation of a provision of  
15 sections 101 through 105 of the Family and Medical  
16 Leave Act of 1993.

17 (f) The first sentence of section 303(e) of the Act  
18 is deemed to have inserted the words “, upon the approval  
19 of the Committee on Rules and Administration,” after  
20 “The Director”.

○